

*The CASE of John Viscount Grandison,
in Relation to the Bill now depending in this
Honourable House, for Settling the Estate of
Katharine Fitz-Gerald Villiers, his Mo-
ther, &c.*

THE said *Katharine* being Married to *Edward Fitz-Gerald Villiers*, Esq., Eldest Son of *George* late Viscount *Grandison*, Anno 1685. with the said *Edward*, by Fine and Deed settled her own Estate in *Ireland*, to the use of the said *Edward* for Life, with Remainder to her self for Life, Remainder to her Sons by him successively in Tail Male, with a Power in the said Settlement for the said *Edward* by his Last Will, or other Instrument in Writing, to direct Trustees named in the said Settlement, to raise by the said Estate any Sum not exceeding Twelve Thousand Pounds Sterling, for the better Provision for the said *Katharine*, and Portions for his Younger Children; pursuant to which the said *Edward* by his Last Will, Anno 1691. did Devise that the said Trustees should raise Two Thousand Pounds apiece for his Younger Son and his Four Daughters, who are still living, and Two Thousand Pounds for the said *Katharine* his Wife; and soon after the said *Edward* Died, the said *Katharine* having neither Joynture or Dower of any Estate of the said *Edward*'s.

Hellen Countess Dowager of *Clanricard*, the Relict and Second Wife of the said *Katharine*'s Father, having for her Dower enjoyed a third part of the said *Katharine*'s Estate so settled as aforesaid, the said *Katharine*, for the Benefit of the said now Viscount *Grandison*, and by the Advice and Concurrence of his nearest Relations by his Father, for 4000 l. which she borrowed at 8 l. per Cent. Interest, purchased the said Countess of *Clanricard*'s Dower, intending the surplussage of the Rents, above the Interest-Money, to be a present Maintenance for the present Viscount *Grandison*, now Sixteen Years of Age, and otherwise totally unprovided.

After which purchase made, the Fine, which was the Foundation of the said Settlement made in 1685. was by Writ of Error Reversed; and thereon the said *Katharine*, for making a Provision for the Lord *Grandison*, and other her Children, is contented, and desirous that this Bill pass, which is no way for her own advantage, but purely that all her Children may be provided for, as was intended by the Settlement in 1685. and their Father's Will, and to prevent all Quarrels hereafter among them concerning the same.

In this Bill there is a full General Saving of the Right of all Persons whatsoever, other than the said *Katharine* and her Children, who alone are concerned in this Act.

Notwithstanding which, *John Bargiter*, and others, Creditors of the said *Edward Fitz-Gerald Villiers*, endeavour to hinder the passing this Bill, unless a Clause may be added to it, for charging the Estate of the said *Katharine* with their Debt due from him, to which that Estate is not subject, either in Law or Equity. Nor had he any Power whatsoever to Charge the same, otherwise than for his Wife and Younger Children, but not for the Payment of his Debts. And although it is recited in the Security made by the said *Edward*, for the Debt claimed by the said *Bargiter*, and others, that he had by a Settlement Dated the Day of February, 1685. Power to Charge that Estate for Payment of his Debts, yet that mis-recital could not enlarge his Power; and 'tis plain by that Security, that the Person that Lent the Money, rely'd on the said *Edward*'s Bond, and Interest of Ten Pounds per Cent. and not of Security of the Land; having never seen the Deed of Settlement, which was his own fault; and therefore if he was deceived, it was because he would be so, and would not look whether in the Settlement there was any such Power.

The Petitioners were heard by their Council before the Committee, who were fully satisfied there was no reason to put them in a better Condition than they would be, if this Bill should not pass, and to Charge the Estate by Act of Parliament with Debts that do not affect it either in Law or Equity.

In regard therefore such Right as the Petitioner had, is fully Saved to them by the Saving in the Act, it is humbly hoped that the said Bill shall pass.

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John Viscount Grandifon,
*in Relation to the Bill, now de-,
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for Settling the Estate of Katha-
rine Fitz-Gerald Villiers, his
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